

**Article 3: Firearms — Dangerous Weapons —
Explosives — Hazardous Trades**
(*“Firearms — Dangerous Weapons —
Explosives — Hazardous Trades”*
incorp. 1–22–1952 by O–5046 N.S.)

§53.01 Blasting — Permit Required

It shall be unlawful for any person or persons, firm or corporation to do any blasting within the corporate limits of the City of San Diego without first having obtained, from the Fire Chief of The City of San Diego, a permit, which is required under California Health and Safety Code, Section 12101. The Fire Chief of The City of San Diego is hereby designated the issuing authority in conformance with California Health and Safety Code, Section 12007.

(*“Blasting— Permit Required” amended 2–22–1972 by O–10787 N.S.*)

§53.01.1 Blasting — Application For License — Insurance Required

Any applicant to the San Diego Fire Department for a permit for the use of explosives within the limits of the City of San Diego for blasting, as provided above, shall, before such permit is issued, have a policy of insurance approved by the City Attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the State of California, by the terms of which said insurance company assumes responsibility for injuries to persons and property resulting by reason of the use of such explosives by applicant in the following amounts; to wit,

Bodily Injury \$250,000 — Per person

\$500,000 — Per occurrence Property Damage

\$250,000 — Per occurrence.

(*Amended 2–22–1972 by O–10787 N.S.*)

§53.10 Firearms, Etc. — Firing Prohibited — Exceptions

- (a) Purpose and Intent. It is the purpose and intent of the Council of The City of San Diego that the firing of firearms and other explosives within the city limits be strictly regulated for the protection of all persons and property located in the City.

- (b) Definitions. For the purposes of this section:
- (1) Firearm shall mean any weapon from which a missile, such as, but not limited to, a bullet, ball, or shell, is hurled by an explosive.
 - (2) Fire shall mean to explode, discharge, or impel by using heat, percussion or electric spark.
 - (3) The term explosive is defined as it is in Section 53.05 of this Article.
- (c) Prohibition. No person shall fire any firearm or explode any explosive within The City of San Diego.
- (d) Exceptions. This section does not apply to firearms fired under the authority of the United States or the State of California, nor to shooting galleries or target ranges; nor where a permit has been issued or a firing area designated by the City Council pursuant to Subsections (e) and (f) hereof.
- (e) Permits. The City Council, by resolution, may issue written permits to fire firearms upon such terms and under such conditions as it deems proper. The terms and conditions imposed by the Council shall be set forth on the face of any permit issued under this subsection.
- (f) The City Council, by resolution, may designate certain areas within the City in which it shall be lawful to fire firearms upon such terms and under such conditions as the Council deems proper.

(Amended 10-8-1964 by O-9092 N.S.)

§53.15

Air Guns, Sling Shots, Pointed Missiles, Etc. — Discharge, Propelling Prohibited

That it shall be unlawful for any person to discharge any air gun, or sling shot, or bean shooter, or throw, hurl, heave or propel any sharp pointed missile, or dart, or arrow upon any public street or sidewalk or public gathering place within the corporate limits of The City of San Diego.

(“Air Guns, Sling Shots, Pointed Missiles, Etc. — Discharge, Propelling Prohibited” incorp. 1-22-1952 by O-5046 N.S., contained in O-61 N.S., adopted 10-24-1932.)

§53.15.1 Same — Sale To Minors Prohibited

That it shall be unlawful for any person to sell to any minor child any dart, arrow, or sharp pointed missile within the corporate limits of The City of San Diego.
(*“Same — Sale To Minors Prohibited” incorp. 1–22–1952 by O–5046 N.S., contained in O–61 N.S., adopted 10–24–1932.*)

§53.15.2 Possession of Air Guns, Pointed Missiles, Etc., by Minors

- (a) Except as provided in this section, it is unlawful for any person under the age of eighteen to have in his or her possession, upon any public street or sidewalk or in any public gathering place within the corporate limits of the City any air gun, sharp pointed missile, dart or arrow, described in Municipal Code section 53.15.
- (b) This section shall not apply to any minor engaged in supervised or otherwise lawful activity involving such weapons, or who is going to or returning from a place where the minor was engaged in such supervised or otherwise lawful activity.
(*“Possession of Air Guns, Pointed Missiles, Etc., by Minors” added 3–17–1998 by O–18472 N.S.*)

§53.16 Penalties for Firearms and Other Weapons Offenses

- (a) A person is guilty of a separate punishable offense for each firing or discharge of a weapon described in Municipal Code sections 53.10 or 53.15.
- (b) Minors arrested for a violation of Municipal Code sections 53.10, 53.15, 53.15.1 or 53.15.2 shall be subject to the provisions of section 602 of the California Welfare and Institutions Code.
- (c) Any parent or legal guardian, or person over the age of eighteen, is also guilty of a misdemeanor, if:
 - (1) he or she possesses on any premises or within a vehicle under his or her custody or control, any of the firearms identified in Municipal Code sections 53.10, and
 - (2) he or she knows or reasonably should know that a minor is likely to gain access to such firearm, and

- (3) a minor obtains and fires or discharges such firearm in violation of sections 53.10.
- (d) A violation of Municipal Code sections 53.10, 53.15 or 53.15.1 occurring within 1,500 feet of a public or private day care center, school or school grounds, is a misdemeanor, and the penalty for conviction of the same is punishable by a fine of not more than \$1,000, or by imprisonment in the County jail for a period of not more than one year, or both. A violation of sections 53.10, 53.15 or 53.15.1 may also be prosecuted in accordance with Chapter 1 of the Municipal Code.

(“Penalties for Firearms and Other Weapons Offenses” added 3-17-1998 by O-18472 N.S.)

§53.20 Steam Boiler, Steam Engine, Unfired Pressure Vessel — Inspection — Operation Regulated

It shall be unlawful for any person, firm or corporation to use or operate or cause or permit to be used or operated any steam boiler or unfired pressure vessel until the same shall have been inspected and tested and approved by the State of California or by an inspector of an insurance company certified by said State and such certificate issued therefor, provided however, nothing in this Section contained shall be construed as applying to domestic cookers and water heaters.

(“Steam Boiler, Steam Engine, Unfired Pressure Vessel — Inspection — Operation Regulated” incorp. 1-22-1952 by O-5046 N.S., contained in O-4265 N.S., adopted 12-13-1949.)

§53.20.1 Same — Operating Pressure

It shall be unlawful for any person, firm or corporation to permit any boiler, steam engine, or steam generating apparatus to be subjected to or to carry a greater pressure than is allowed and stated in the certificate of inspection thereof, or to use, or cause or permit to be used any such boiler or steam generating apparatus after the same shall have been condemned as unsafe and before the same shall have been reconstructed to the satisfaction of the said boiler inspector.

(“Same — Operating Pressure” incorp. 1-22-1952 by O-5046 N.S., contained in O-4265 N.S., adopted 12-13-1949.)

§53.30 Dangerous Weapons Used During Picketing, Demonstrations And Strikes

No person shall carry or possess while participating in any demonstration, rally, picket line or public assembly any metal stake, club, or pipe, or any length of lumber, wood, or lath, unless that wooden object is 1/4” or less in thickness, and 2” or less in

width. If not generally rectangular in shape, such wooden object shall not exceed 1/2” in its thickest dimension.

(“Dangerous Weapons Used During Picketing, Demonstrations And Strikes” added 1-2-1979 by O-12537 N.S.)

§53.31 Assault Weapons, Nuisance, Temporary Custody

- (a) The term “assault weapon,” as used in this Section, shall include:
- (1) Any semiautomatic action, center fire rifle or carbine which accepts a detachable magazine with a capacity of twenty (20) rounds or more, with a barrel of more than sixteen (16) inches, including but not limited to the following firearms or their copies: AR 15 semiautomatic assault rifles, Uzi semiautomatic assault rifles or carbines, Ingram Mac-10 semiautomatic assault carbines, Ingram Mac-11 semiautomatic assault carbines, Heckler and Koch 93 semiautomatic assault rifles, Heckler and Koch 91 semiautomatic assault rifles, AK-47 semiautomatic assault rifles, AKM-47 semiautomatic assault rifles, all Avtomat Kalashnikov weapons, M1-A semiautomatic assault rifles, M-14 semiautomatic assault rifles, Thompson semiautomatic carbines and any other semiautomatic carbines manufactured by Auto Ordnance;
 - (2) Any shotgun with a barrel of more than eighteen (18) inches and a folding stock or magazine capacity of more than six (6) rounds;
 - (3) Any weapon which may be readily restored to an operable assault weapon, as defined in paragraphs 1 and 2 above; and
 - (4) Any part, or combination of parts, designed or intended to convert a weapon into an assault weapon, as defined above in paragraphs 1 and 2, or any combination of parts from which an assault weapon may be readily assembled, if those parts are in the possession or under the control of the same person.
- (b) As used in this Section, the term “semiautomatic” means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

- (c) The term “assault weapon” does not include any of the following:
- (1) Any of the above generally and specifically described weapons which is a “machine gun” as that term is defined by Section 12200 of the Penal Code of the State of California; any pistol, revolver or other firearm which is capable of being concealed upon one’s person, as defined and regulated by the provisions of Sections 12021 and 12025 of the Penal Code of the State of California;
 - (2) Any of the following: weapons which do not use fixed ammunition, weapons which were manufactured prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons. multiple-barrel weapons, revolving cylinder weapons, semiautomatic weapons which use exclusively Mannlicher-style clips, semiautomatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine;
 - (3) Any assault weapon which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5) (7) and (8) of Subsection (b) of Section 12020 of the Penal Code of the State of California;
 - (4) Any short-barreled rifle or shotgun as defined in Subsection (c) of Penal Code Section 12020; or
 - (5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.
- (d) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer, as defined in subdivision (a) of Section 830.1, a member of the University of California Police Department, as defined in subdivision (d) of Section 830.2, and a member of a California State University Police Department, as defined in subdivision (e) of Section 830.2, during the performance of his or her duties within the City of San Diego may take temporary custody of any assault weapon in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons of the City of San Diego.
- (e) The provisions of subsection (d) shall not apply to assault weapons in the possession of any person specifically authorized to possess concealed or

loaded firearms within the City limits of San Diego pursuant to the Dangerous Weapons' Control Law, California Penal Code Section 1200 et seq.

- (f) Upon taking custody of an assault weapon, the officer shall give the owner or person who possessed the assault weapon a receipt. The receipt shall describe the assault weapon and list any identification or serial number on the assault weapon. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can recover the assault weapon. No assault weapon shall be held less than forty-eight (48) hours. If an assault weapon is not retained for use as evidence related to criminal charges or is not retained because it was illegally possessed, the assault weapon shall be made available to the owner or person who was in lawful possession forty-eight (48) hours after the seizure or as soon thereafter as possible, but no later than seventy-two (72) hours after the seizure.
- (g) Any assault weapon which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the firearm and proof of ownership.
- (h) Any assault weapon taken into custody and held by a police, university police, or sheriff's department or by a marshal's office, for longer than twelve (12) months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.

("Assault Weapons, Nuisance, Temporary Custody" added 2-27-1989 by O-17255 N.S.)